

Senate Study Bill 3211

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CO=CHAIRPERSONS McCOY
AND PUTNEY)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to driver education curricula, graduated driver
2 licensing provisions, and passenger restraint requirements,
3 and making a penalty applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 6506SC 81
6 dea/cf/24

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1 1 Section 1. Section 321.178, subsection 1, unnumbered
1 2 paragraph 1 and paragraphs a, b, and c, Code Supplement 2005,
1 3 are amended to read as follows:
1 4 An approved driver education course as programmed by the
1 5 department shall consist of at least thirty clock hours of
1 6 classroom instruction, of which no more than one hundred
1 7 eighty minutes shall be provided to a student in a single day,
1 8 and six or more clock hours of laboratory instruction ~~of which~~
~~1 9 at least three clock hours shall consist of street or highway~~
~~1 10 driving.~~
1 11 a. Classroom instruction shall include all of the
1 12 following:
1 13 ~~a-~~ (1) A minimum of ~~four~~ twelve hours of instruction
1 14 concerning substance abuse, including the effects of alcohol
~~1 15 consumption on a person's driving skills.~~
1 16 ~~b-~~ (2) A minimum of twenty minutes of instruction
1 17 concerning railroad crossing safety.
1 18 ~~c-~~ (3) Instruction relating to becoming an organ donor
1 19 under the uniform anatomical gift Act as provided in chapter
1 20 142C.
1 21 (4) Instruction concerning driver distractions, including
~~1 22 the use of a cell phone while driving.~~
1 23 b. Laboratory instruction shall include all of the
~~1 24 following:~~
1 25 (1) A minimum of three clock hours of street or highway
~~1 26 driving.~~
1 27 (2) Behind-the-wheel instruction in defensive driving
~~1 28 techniques.~~
1 29 (3) Instruction in night driving, driving in adverse
~~1 30 weather conditions, and driving on gravel roads.~~
1 31 Sec. 2. Section 321.180B, subsection 2, Code 2005, is
1 32 amended to read as follows:
1 33 2. INTERMEDIATE LICENSE.
1 34 a. The department may issue an intermediate driver's
1 35 license to a person sixteen or seventeen years of age who
2 1 possesses an instruction permit issued under subsection 1 or a
2 2 comparable instruction permit issued by another state for a
2 3 minimum of six months immediately preceding application, and
2 4 who presents an affidavit signed by a parent or guardian on a
2 5 form to be provided by the department that the permittee has
2 6 accumulated a total of ~~twenty~~ fifty hours of street or highway
2 7 driving of which ~~two~~ eight hours were conducted after sunset
2 8 and before sunrise and the street or highway driving was with
2 9 the permittee's parent, guardian, instructor, a person
2 10 certified by the department, or a person at least twenty-five
2 11 years of age who had written permission from a parent or
2 12 guardian to accompany the permittee, and whose driving
2 13 privileges have not been suspended, revoked, or barred under
2 14 this chapter or chapter 321J during, and who has been accident

2 15 and conviction free continuously for, the six-month period
2 16 immediately preceding the application for an intermediate
2 17 license. An applicant for an intermediate license must meet
2 18 the requirements of section 321.186, including satisfactory
2 19 completion of driver education as required in section 321.178,
2 20 and payment of the required license fee before an intermediate
2 21 license will be issued.

2 22 b. A person issued an intermediate license ~~must~~ shall
2 23 limit the number of passengers in the motor vehicle when the
2 24 intermediate licensee is operating the motor vehicle to the
2 25 number of passenger safety belts. Notwithstanding any
2 26 provision of law to the contrary, the provisions of sections
2 27 321.445 and 321.446 apply to all occupants of a vehicle
2 28 operated by a person with an intermediate license, regardless
2 29 of seating position.

2 30 c. Except as otherwise provided, a person issued an
2 31 intermediate license under this subsection who is operating a
2 32 motor vehicle between the hours of twelve-thirty a.m. and five
2 33 a.m. must be accompanied by a person issued a driver's license
2 34 valid for the vehicle operated who is the parent or guardian
2 35 of the ~~permittee licensee~~, a member of the ~~permittee's~~
3 1 ~~licensee's~~ immediate family if the family member is at least
3 2 twenty-one years of age, an approved driver education
3 3 instructor, a prospective driver education instructor who is
3 4 enrolled in a practitioner preparation program with a safety
3 5 education program approved by the state board of education, or
3 6 a person at least twenty-five years of age if written
3 7 permission is granted by the parent or guardian, and who is
3 8 actually occupying a seat beside the driver. However, a
3 9 licensee may operate a vehicle to and from school-related
3 10 extracurricular activities and work without an accompanying
3 11 driver between the hours of twelve-thirty a.m. and five a.m.
3 12 if ~~such~~ the licensee possesses a waiver on a form to be
3 13 provided by the department. An accompanying driver is not
3 14 required between the hours of five a.m. and twelve-thirty a.m.

3 15 Sec. 3. Section 321.180B, subsection 4, Code 2005, is
3 16 amended to read as follows:

3 17 4. FULL DRIVER'S LICENSE. A full driver's license may be
3 18 issued to a person seventeen years of age who possesses an
3 19 intermediate license issued under subsection 2 or a comparable
3 20 intermediate license issued by another state for a minimum of
3 21 twelve months immediately preceding application, and who
3 22 presents an affidavit signed by a parent or guardian on a form
3 23 to be provided by the department that the intermediate
3 24 licensee has accumulated a total of ~~ten~~ twenty hours of street
3 25 or highway driving of which ~~two~~ four hours were conducted
3 26 after sunset and before sunrise and the street or highway
3 27 driving was with the licensee's parent, guardian, instructor,
3 28 a person certified by the department, or a person at least
3 29 twenty-five years of age who had written permission from a
3 30 parent or guardian to accompany the licensee, whose driving
3 31 privileges have not been suspended, revoked, or barred under
3 32 this chapter or chapter 321J during, and who has been accident
3 33 and conviction free continuously for, the twelve-month period
3 34 immediately preceding the application for a full driver's
3 35 license, and who has paid the required fee.

4 1 Sec. 4. Section 321.445, subsection 2, unnumbered
4 2 paragraph 1, Code 2005, is amended to read as follows:

4 3 The driver and front seat occupants of a type of motor
4 4 vehicle that is subject to registration in Iowa, except a
4 5 motorcycle or a motorized bicycle, shall each wear a properly
4 6 adjusted and fastened safety belt or safety harness any time
4 7 the vehicle is in forward motion on a street or highway in
4 8 this state except that a child under ~~eleven~~ eighteen years of
4 9 age shall be secured as required under section 321.446.

4 10 Sec. 5. Section 321.446, subsection 2, Code Supplement
4 11 2005, is amended to read as follows:

4 12 2. A child at least six years of age but under ~~eleven~~
4 13 eighteen years of age who is being transported in a motor
4 14 vehicle subject to registration, except a school bus or
4 15 motorcycle, shall be secured during transit by a child
4 16 restraint system that is used in accordance with the
4 17 manufacturer's instructions or by a safety belt or safety
4 18 harness of a type approved under section 321.445.

4 19 Sec. 6. YOUNG DRIVERS STUDY COMMITTEE.

4 20 1. The state department of transportation and the
4 21 department of public safety, in consultation with interested
4 22 organizations, shall establish a study committee to review
4 23 Iowa law concerning driver licensing provisions affecting
4 24 young drivers. The committee shall specifically review the
4 25 provisions of section 321.194 concerning special minor's

4 26 (school) licenses and the provisions of section 321.178 and
4 27 other relevant Code sections concerning driver education.
4 28 2. The committee shall be comprised of members from
4 29 government, educational, and professional organizations, the
4 30 business community, nonpartisan groups, and rural and urban
4 31 communities, including but not limited to persons representing
4 32 the following:

- 4 33 a. The department of education.
4 34 b. The office of the attorney general.
4 35 c. The Iowa prosecuting attorneys council.
5 1 d. The Iowa association of chiefs of police and peace
5 2 officers.
5 3 e. The Iowa state sheriffs' and deputies' association.
5 4 f. The Iowa association of safety education.
5 5 g. The Iowa high school athletic association.
5 6 h. Superintendents of both urban and rural school
5 7 districts.
5 8 i. Drivers under eighteen years of age.
5 9 j. Small business owners and other employers.
5 10 k. Parents.
5 11 3. The committee shall recommend changes to Iowa law to
5 12 remove ambiguities in existing language and to ensure the safe
5 13 transportation of Iowa's youth. The committee shall report
5 14 its findings and recommendations to the general assembly no
5 15 later than December 31, 2006.

5 16 EXPLANATION

5 17 This bill addresses issues relating to driver education,
5 18 graduated driver licensing, and passenger restraint.
5 19 The bill provides several curriculum requirements for
5 20 inclusion in an approved driver education course. The amount
5 21 of classroom instruction devoted to substance abuse is
5 22 increased from four hours to 12 hours, including instruction
5 23 on the effects of alcohol consumption on driving skills.
5 24 Classroom instruction must also cover cell phone use and other
5 25 driver distractions. Laboratory instruction shall include
5 26 behind-the-wheel instruction in defensive driving and
5 27 instruction in driving at night, in adverse weather
5 28 conditions, and on gravel roads.

5 29 The bill increases the amount of supervised driving
5 30 experience that a permittee between 14 and 18 years of age
5 31 must accumulate to qualify for an intermediate license from 20
5 32 hours, including two hours of nighttime driving, to 50 hours,
5 33 including eight nighttime driving hours. The bill also
5 34 increases the amount of supervised driving experience that a
5 35 17-year-old intermediate licensee must accumulate to qualify
6 1 for a full driver's license from 10 hours, including two hours
6 2 of nighttime driving, to 20 hours, including four hours of
6 3 nighttime driving.

6 4 The bill requires that passengers who are at least six but
6 5 less than 18 years of age be secured by a child restraint
6 6 system or by a safety belt or safety harness regardless of
6 7 seating position in any motor vehicle, other than a school bus
6 8 or motorcycle. Under current law, the restraint requirement
6 9 applies to front seat occupants of any age, and to rear seat
6 10 occupants under 11 years of age. In addition, the bill
6 11 requires that all passengers 18 years of age or older use
6 12 safety belts or safety harnesses regardless of seating
6 13 position when riding in a vehicle operated by an intermediate
6 14 licensee. A violation of the seat belt or child restraint law
6 15 is a simple misdemeanor punishable by a scheduled fine of \$25.

6 16 The bill directs the state department of transportation and
6 17 the department of public safety, in consultation with
6 18 interested organizations, to establish a study committee to
6 19 review Iowa law concerning driver licensing provisions
6 20 affecting young drivers, including school licenses and driver
6 21 education. The committee is to make recommendations to the
6 22 general assembly before December 31, 2006.

6 23 LSB 6506SC 81
6 24 dea:nh/cf/24